

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

V.I.P. SPORTS MARKETING, INC., an
Illinois corporation,

Plaintiff,

v.

JOHN NUSSBAUMER, a New York citizen

Defendant.

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)
) No. 08 C 1307
)
) Honorable David H. Coar
)
) Magistrate Judge
) Jeffrey Cole
)
)

**DEFENDANT'S AGREED MOTION FOR EXTENSION OF TIME TO
FILE AN ANSWER OR OTHERWISE PLEAD**

NOW COMES Defendant, JOHN NUSSBAUMER, by and through his attorneys, LOWIS & GELLEN, LLP, and pursuant to Fed.R.Civ.P. 6(b)(1), moves this Honorable Court for the entry of an order enlarging the time, by an additional fourteen (14) days, to file his Answer and/or Responsive Pleading to Plaintiff's Complaint (Doc. 1), and in support of this Motion, state as follows:

1. Plaintiff filed its Complaint (Doc. 1) in this Court on March 4, 2008. Defendant was served with summons on March 10, 2008 (Doc. 8).
2. Normally, under Fed.R.Civ.P. 12(a)(1)(A)(i), Defendant would be required to answer or otherwise plead within 20 days of service summons, or by March 31, 2008.
3. Counsel for both Parties have been negotiating a possible settlement, and have tentatively reached an agreement.

4. To that end, Defendant's counsel has conferred with Plaintiff's counsel, Jeffrey T. Petersen of the law firm of Bell Boyd & Lloyd, LLC, who has indicated, in light of the pending settlement of this matter, that he would not oppose an extension of time for Defendant to answer or otherwise please, and would waive notice of the instant Motion.

5. This request for additional time is made for good cause shown and in the interests of substantial justice and fairness, and is not made for purposes of undue delay or harassment.

WHEREFORE, for the foregoing reasons, Defendant JOHN NUSSBAUMER respectfully requestS that this Court enter an order enlarging the time for him to answer or otherwise plead from March 31, 2008, to April 14, 2008, and for such further and additional relief as this Court deems just and proper.

Respectfully submitted,

JOHN NUSSBAUMER

By: s/Ethan Hayward
One of his attorneys

Robert H. Smeltzer
Ethan F. Hayward
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Chicago, Illinois 60606
(312) 364-2500

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2008, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to:

Jeffrey T. Petersen
Bell Boyd & Lloyd, LLC
70 W. Madison, Suite 3100
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jpetersen@bellboyd.com

Attorney of Record for Plaintiff

By: s/Ethan Hayward